

Remarks

The following remarks are in response to the Office Action mailed on May 9, 2001. Upon entrance of the amendments set out above, claims 1-10 and 19-34 remain pending in this application.

In his Office Action, the Examiner rejected claims 1-6, 8-10, and 19-31 under 35 U.S.C. § 102(e) as being anticipated by Acker. The Examiner also rejected claim 7 under 35 U.S.C. § 103(a) as unpatentable over Acker. Response is hereby made to these rejections.

The Examiner rejected claims 1-10 and 19-31 on newly cited prior art, namely Acker. Claims 1-5, 7-10 and 19-31, however, have not been amended. Claim 6 was amended to correct a typographical error. Applicant directs the Examiner's attention to MPEP § 706.07(a) which clearly states:

Furthermore, a second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings **will not** be made final if it includes a rejection, **on newly cited art**, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Because the above mentioned rejection of claims 1-10 and 19-31 were not necessitated by Applicant's amendment, Applicant believes these rejections to be premature and requests

the Examiner to withdraw the finality of his rejections and enter this amendment. In the alternative, Applicant requests that this amendment be entered after final because it places the claims in better form for consideration on appeal, or in the alternative, places the application in condition for allowance.

As a preliminary matter, Applicant has herein added claims 32-34 to this application. These claims each include an express limitation that is implicitly present in each of claims 1-10 and 19-31, namely that the closed inner surface of a pilot hole is not a surface of the housing. This limitation necessarily follows from the definition of housing surface contained in the specification at page 12, lines 17-24.

The Examiner rejected independent claims 1, 19 and 26 as anticipated by Acker. Claims 1 and 19 (and new claims 32 and 33) each require that the stator be concentrically aligned with the rotor by contacting each of a plurality of pins with a surface of the generator housing. Similarly, claim 26 (and new claim 34) requires that the generator be located on the wall by contacting each of a plurality of pins with a surface of the generator housing. Acker simply does not teach or suggest aligning a stator with a rotor (or locating a generator with respect to an engine wall) by contacting a plurality of pins with the surface of a generator housing.

The Examiner held in his Office Action that concentric alignment was provided by the plurality of bosses 22 of Acker. This is not correct and the Examiner misreads Acker. Bosses 22 do not provide for concentric alignment of the stator 40 with the rotor 36 and do not locate the generator 29 with respect to the engine wall 16. Bosses 22 in Acker are provided to secure (using bolts 46) the generator to the engine after the stator is already aligned with the rotor and after the generator is already located with respect to the engine wall. Concentric alignment is

achieved in Acker using structures other than bosses 22 or bolts 46, namely using a continuous pilot ring 24 (or 24') located on the engine housing 16 and a continuous pilot ring 54 (or 54') located on the generator housing 32 (see column 3, lines 32-40, column 4, lines 25-61).

Even without pilot rings 24 and 54, bosses 22 as configured in Acker cannot provide concentric alignment of the rotor with the stator and cannot be used to locate the generator with respect to the engine wall as required by claims 1-10 and 19-34. This is because the only portion of each boss that actually contacts a surface of the generator housing is the flat end surface of each boss (see Figures 3-5). The flat end surface of each boss can freely slide across the generator housing top surface in any direction when no bolts are inserted into the bosses. This free movement results because the boss end surfaces and the generator housing top surface are smooth and flat. The free movement of these two surfaces with respect to each other, therefore, prevents them from being used to either align the rotor with the stator or locate the generator on the engine wall.

Bolts 46, which are merely used to secure the generator to the engine, also cannot provide concentric alignment and cannot be used to locate the generator on the engine wall as required by claims 1-10 and 19-34. This is because the only portion of the bolts that could possibly be used to provide alignment are the bolt surfaces that contact the closed inner surfaces of pilot holes (through which they are inserted) in generator housing 32 (see Figures 3-5). The closed inner surfaces of the pilot holes in generator housing 32 are not, however, housing surfaces as that term is defined in the specification and used in the claims. Therefore, these bolts, even in the absence of pilot rings 24 and 54, also cannot provide concentric alignment between the rotor and the stator and cannot

locate the generator on the engine wall as required by claims 1-10 and 19-34.

The Examiner also held that it would have been obvious to one of ordinary skill in the art to modify bosses 22 of Acker into a dowel shape as required by claim 7. Since Acker does not teach or suggest the use of pins to achieve alignment, however, it would not have been obvious in view of Acker to modify bosses 22 as required by claim 7.

Accordingly, in view of the above amendments, or as the claims are pending prior to the amendments, Applicant respectfully submits that the application should be allowed. The Examiner is invited to telephone the undersigned below if it will aid in the prosecution of this application.

Respectfully submitted,



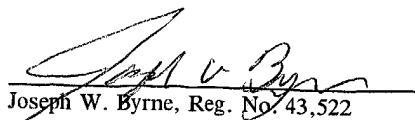
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Dated: August 9, 2001

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